

## THE HONORABLE BENJAMIN SETTLE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

CLYDE RAY SPENCER,

Plaintiff,

NO. C11 5424 BHS

V.

DETECTIVE SHARON KRAUSE and  
SERGEANT MICHAEL DAVIDSON

## Defendants.

**DEFENDANTS' MOTION FOR  
ORDER DIRECTING TRANSPORT  
OF INMATE TO TESTIFY  
AT TRIAL**

**NOTE ON MOTION CALENDAR:  
Tuesday, December 24, 2013**

## **I. NATURE OF MOTION & RELIEF REQUESTED**

Defendants Sharon Krause and Michael Davidson (hereafter “defendants”) hereby move for an Order directing the Clark County Sheriff to transport Matthew Hansen, an inmate currently incarcerated in the Clark County Jail in Vancouver, Washington, to the U.S. District Court, Union Station Courthouse in Tacoma, Washington to testify at trial in the above-entitled action on January 14, 2014, or such other date as is necessitated by trial scheduling, such date to be provided to the Clark County Sheriff upon no less than 48 hours notice. The Order sought should further authorize the Pierce County Sheriff to accept Matthew Hansen for booking into the Pierce County Jail if requested by the Clark

**DEFENDANTS' MOTION FOR ORDER DIRECTING  
TRANSPORT OF INMATE TO TESTIFY AT TRAIL - 1**

Cause No: C11-5424 BHS

*LAW, LYMAN, DANIEL,  
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1 County Sheriff to accommodate an overnight stay in Pierce County following Matthew  
 2 Hansen's testimony, after which the Pierce County Sheriff would release Matthew Hansen  
 3 back into the custody of the Clark County Sheriff upon request for return transport to the  
 4 Clark County Jail.

## 5 II. GROUNDS FOR MOTION

6 Defendants have served Matthew Hansen with a Subpoena to attend trial to provide  
 7 testimony in the above-entitled action. Declaration of Guy Bogdanovich in Support of Motion  
 8 for Order of Transport of Inmate to Testify at Trial (hereafter "Bogdanovich Dec.") ¶ 2 and Ex.  
 9 A. Trial is currently scheduled to commence on January 7, 2014, (Dkt. 161) and is expected to  
 10 last approximately three weeks. Counsel for defendants have been notified and have confirmed  
 11 with Clark County Sheriff's Office Chief Jail Deputy Ric Bishop that Matthew Hansen was  
 12 booked into the Clark County Jail on December 5, 2013 for violation of court orders and  
 13 community supervision on underlying domestic violence and criminal trespass offenses. He  
 14 is currently scheduled to be released on March 1, 2014. Declaration of Ric Bishop in Support  
 15 of Motion for Order of Transport of Inmate to Testify at Trial (hereafter "Bishop Dec."), ¶ 3.  
 16 The Clark County Sheriff's Office has communicated with the U.S. Marshal's Service and with  
 17 the Pierce County Sheriff's Office to facilitate the transport and continuous custody of Matthew  
 18 Hansen as explained above, and all agencies are in agreement with this plan. *Id.*, ¶ 4. The U.S.  
 19 Marshall's Service has agreed to provide the Clark County Sheriff with day use and detention  
 20 space within the Union Station Courthouse as needed the day of Matthew Hansen's testimony,  
 21 but Matthew Hansen will remain in the custody of the Clark County Sheriff at all times while  
 22 in the Courthouse. *Id.*

1 Counsel for defendants have communicated with legal counsel for the Clark County  
2 Sheriff and for the Pierce County Sheriff, and both are in agreement with this proposal.  
3 Bogdanovich Dec., ¶ 3.

4 Clark County has agreed to pay all expenses incurred in connection with Matthew  
5 Hansen's transport to testify at trial. Bishop Dec., ¶ 5.

6 **III. CONCLUSION**

7 Based upon the foregoing, defendants request that this Court enter the proposed Order  
8 Directing Transport of Inmate to Testify at Trial.

9  
10 DATED this 24<sup>th</sup> day of December, 2013.

11  
12 /s/ *Guy Bogdanovich*

13 Guy Bogdanovich, WSBA № 14777  
14 Attorney for Defendant Sharon Krause  
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/s/ *Jeffrey A. O. Freimund*

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## CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the United States of America that on this 22<sup>nd</sup> day of November, 2013, I electronically filed Defendants' Motion for Order Directing Transport of Inmate to Testify at Trial, the supporting Declaration of Guy Bogdanovich and Declaration of Ric Bishop, and a Proposed Order Granting said Motion, with the Clerk of the Court using the CM/ECF system, who will send notification of such filing to the following parties:

## **Plaintiff Clyde Spencer and Matthew Spencer Attorneys**

dhjohnson43@aol.com  
kathleen.zellner@gmail.com  
dandavies@dwt.com

DATED this 24<sup>th</sup> day of December, 2013 at Tumwater, Washington.

/s/ Lisa Gates